

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

YISEL DEAN, Administratrix of the  
Estate of Steven Dean, deceased, et al.,

Plaintiff,

v.

RAYTHEON CORPORATION,  
RAYTHEON AIRCRAFT HOLDINGS,  
INC., RAYTHEON AIRCRAFT CO.,  
RAYTHEON CREDIT CORPORATION,  
and COLGAN AIR, INC.,

Defendants.

Civil Action No. 05-CV-10155-PBS

**DEFENDANT COLGAN AIR, INC.'S  
MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6)**

Defendant Colgan Air, Inc. ("Colgan") moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the claims brought against Colgan by Plaintiff Yisel Dean, Administratrix of the Estate of Steven Dean, on the grounds that the Plaintiff fails to state a claim upon which relief can be granted. As further grounds for the allowance of this Motion, Colgan relies on the Memorandum of Law and the Affidavit of Andre M. Gregorian filed herewith.

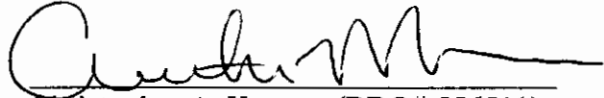
WHEREFORE, Defendant Colgan Air, Inc. respectfully requests that this Honorable Court order that this Motion To Dismiss be ALLOWED.

June 20, 2005

Respectfully submitted,

COLGAN AIR, INC,

By its attorneys,



Christopher A. Kenney (BBO# 556511)  
Anthony L. DeProspero, Jr. (BBO# 644668)  
SHERIN AND LODGEN LLP  
101 Federal Street  
Boston, Massachusetts 02110  
(617) 646-2000

*Of counsel:*

Mark A. Dombroff  
Thomas B. Almy  
Andre M. Gregorian  
DOMBROFF & GILMORE, P.C.  
1676 International Drive  
McLean, Virginia 22102  
(703) 336-8800

**Certification of Compliance with Local Rule 7.1(A)(2)**

I, Anthony L. DeProspero, Jr., counsel for Defendant Colgan Air, Inc., certify that counsel for Colgan Air, Inc. has conferred with counsel for the Plaintiff in an effort to narrow or resolve the issue that is the subject of this Motion, and the Plaintiff has not assented to this Motion.



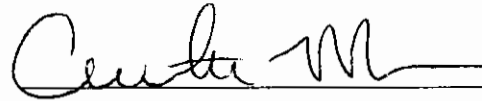
Anthony L. DeProspero, Jr.

6/20/05  
Date

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true copy of the above document by ~~hand~~/mail upon all attorneys of record.

Dated: June 20, 2005

A handwritten signature in black ink, appearing to read "Cynthia M.", written over a horizontal line.